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**REMARKS****I. Status Of The Claims.**

Claims 1-34 are pending in the application. This Response and Amendment amends Claims 15 and 17.

**II. Claim Amendments.**

Claim 15 has been amended for clarity. Claim 15 now states "wherein the structural component is a particulate filler which . . . ." The Amendment is not a narrowing amendment and merely places the claim in proper format according to United States Patent Office practice and procedure. Accordingly, this amendment does not add new matter. Entry of the amendment is respectfully requested.

Claim 17 has been amended for clarity to explicitly state that the regulator is a "composite polymer". This amendment makes explicit that which was previously inherent in the original claim. The Amendment is not a narrowing amendment and merely clarifies the invention. Accordingly, this amendment does not add new matter. Entry of the amendment is respectfully requested.

**III. Species Election.**

For the record, Applicants confirm the oral election of species made on 08/10/05 by telephone. Applicants elect with traverse Species A, claims 1-6, 8-11, 14 15 and 17-19.

**IV. The Rejection Under 35 USC § 112.**

The Office has rejected Claims 2 and 15 under 35 USC § 112, second paragraph, for the reasons stated in numbered paragraphs 6 and 7 of the Office Action. Applicants respectfully traverse this basis for rejection and request withdrawal of the rejections based on the following remarks.

**A. Claim 2.**

The Office has rejected Claim 2 on the basis that the limitation "wherein the regulator is substantially incompressible" is in conflict with the limitation that "the regulator comprises a substantially elastic material" in the parent claim 1, rendering claim 2 to be confusing.

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In response, Applicants submit that an elastic material, *i.e.*, “a material that recovers its original shape partially or completely after a deforming force has been removed”, as defined in the Specification, can be *both* elastic and incompressible. Some elastic materials have the capability of elastic expansion, but also cannot be substantially compressed (*i.e.*, compacted or condensed). By analogy, a latex balloon elastically expands when it is inflated. However, when the balloon is not inflated, it is substantially incompressible, *i.e.*, it cannot substantially be compacted into a smaller volume.

Applicants respectfully request consideration of the above remarks and withdrawal of the rejection of Claim 2 under 35 USC §112 on the basis of the remarks.

**B. Claim 15.**

The Office has rejected Claim 15 on the basis that the limitation “the particulate filler” in line 1 of Claim 15 lacks antecedent basis. Applicants have amended Claim 15 to add proper antecedent basis by stating that “wherein the structural component is a particulate filler”.

Applicants believe this amendment obviates the basis for rejection of Claim 15 under 35 USC §112 and request withdrawal of the rejection.

**V. The Rejection Under 35 USC §102(e).**

Claims 1-6, 8-11, 14, 15 and 17-19 are rejected under 35 USC § 102(e) as anticipated by Hasselbrink, Jr. et al (US 6,782,746) for the reasons stated in numbered paragraph 9 of the Office Action.

Applicants respectfully traverse this basis for rejection and request reconsideration and withdrawal of the rejection based on the following remarks.

Independent Claims 1 and 14 are limited to a regulator that comprises a “substantially elastic material having a structural component.” Independent Claims 8 and 17 are limited to a regulator comprised of a “composite polymer”. Hasselbrink, Jr. et al., does not disclose these limitations.

As stated in the specification, a “structural component” is a particle or part affecting the structure, composition, physical make-up or nature of a substance (*i.e.*, the elastic material). As

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also stated in the specification, a "composite polymer" is a material obtained by the polymerization of a mixture of a particulate filler and one or more polymerizable precursors. Hasselbrink, Jr. et al. does not disclose a regulator comprised of an "elastic material having a structural component", or a "composite polymer", limitations of Claims 1 and 14, and 8 and 17, respectively. Thus, Hasselbrink, Jr. et al. does not anticipate Applicants' claimed invention.

Based on the foregoing, Applicants request withdrawal of the rejection under 35 USC § 102(c) and allowance of Claims 1-6, 8-11, 14, 15 and 17-19.

#### **VI. The Invention Is Non-Obvious Over Hasselbrink, Jr. et al.**

The Office has not rejected Claims 1-6, 8-11, 14, 15 and 17-19 under 35 USC §103 over Hasselbrink, Jr. et al. However, for the sake of completeness, Applicants submit that the claimed invention is non-obvious over Hasselbrink.

As detailed above, Hasselbrink does not disclose an elastic material having a structural component, or a composite polymer, limitations of Applicants claimed invention. Hasselbrink discloses "monolithic" polymer components, *i.e.*, polymers without a structural component, and does not discuss polymers having a structural element or particulate filler. Accordingly Hasselbrink does not provide a suggestion or motivation to modify the invention to arrive at applicants claimed invention.

Finally, as discussed in the Specification, the addition of a particulate filler to the polymerizable precursor to form a regular has significant advantages. In particular, the use of a particulate filler in the regulator confers a wide range of desirable properties to the regulator, such as, a range of rigidity versus flexibility, additional tensile and compressive strength, optical properties, and dimensional stability. The regulator can operate under high pressure, such as thousands of pounds per square inch (psi), and the addition of the particulate filler to the regulator provides substantial advantages in reduced compressibility. (*See*, Specification, page 5, lines 9-13).

Accordingly, Applicants submit that Claims 1-6, 8-11, 14, 15 and 17-19 are non-obvious over Hasselbrink, Jr. et al. and request allowance of these claims.

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**CONCLUSION**

Applicants believe that the application is in condition for allowance and such action is earnestly requested. If any additional information should be required in considering this Response, or if there are any issues that can be resolved by telephone with the Applicants' representative, the Examiner is encouraged to contact the undersigned directly.

No fee is believed due by this Response. However, if any fees are due, the Commissioner is authorized to charge any such fees to Deposit Account No.19-2090.

Respectfully Submitted,  
SHELDON & MAK PC

Date: November 18, 2005

By: 

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